



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,456	04/10/2001	Ramanathan Jagadeesan	2705-136	8842
20575	7590	06/21/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			SAM, PHIRIN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,456

Applicant(s)

JAGADEESAN ET AL.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15, 18-25, 28-35 and 41-49 is/are allowed.
- 6) ☒ Claim(s) 1-10, 16, 17, 26, 27, 36-39, 50 and 51 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

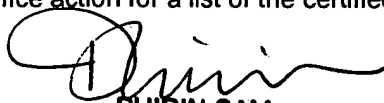
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 9, 16, and 17, are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,282,192 (hereinafter referred as “Murphy”).

Murphy discloses the invention (**amended claim 1**) as claimed including a device for use with a voice gateway coupled in a network adapted to transmit network packets that meet a minimum packet switched network protocol, comprising:

- (a) wide band (WB) telephone adapted to convert sound into sound signal that capture a wideband bandwidth of the sound (see Fig. 2, element 14a, wherein microphone of telephone set 14a converts voice sound into voice signal);
- (b) an encoder coupled to receive the sound signals and to encode them as voice data bits (see Fig. 2, element 26, col. 3, lines 50-51);
- (c) a packetizer for packetizing groups of the voice data bits into intermediate packets which do not meet the minimum packet switched network protocol (see Fig. 2, element 27, col. 3, lines 51-53);

Art Unit: 2661

(d) a modem adapted to establish a first circuit switched connection with the voice gateway, and coupled to transmit the intermediate packets through the first connection (see Fig. 2, element 28, col. 3, lines 54-55).

Regarding amended claim 7, Murphy discloses all aspects of this claim as set forth in claim 1.

Regarding claim 9, Murphy discloses further comprising:

- (a) means for receiving through the first connection return intermediate packets (see Fig. 3, element 34, col. 4, lines 23-25);
- (b) means for depacketizing the return intermediate packets to derive return voice data bit (see Fig. 3, element 34, col. 4, lines 23-25);
- (c) means for decoding the return voice data bits to produce return sound signals (see Fig. 3, element 31, col. 4, lines 27-31);
- (d) means for producing a return sound from the return sound signals (see Fig. 1, elements 14a and 14c, these terminals for producing a return sound (voice) from the sound signals).

Regarding amended claim 16, Murphy discloses all aspects of this claim as set forth in claim 1.

Regarding claim 17, Murphy discloses the adapter further comprising:

- (a) a depacketize for depacketizing return intermediate packets which do not meet the minimum protocol to produce return voice data bits (see Fig. 3, element 34);
- (b) a decoder for decoding the return voice data bit s to produce a digital return voice (see Fig. 3, element 31, col. 4, lines 27-31);

Art Unit: 2661

(c) a digital to analog converter for converting the digital return voice signal into an analog signal for the analog wideband telephone (see Figs. 2 and 3, col. 3, lines 13-18).

Claim Rejections - 35 USC § 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,282,192 (hereinafter referred as "Murphy") in view of US Patent 6,904,037 (hereinafter referred as "Oran").

Regarding claim 2 and amended claim 3, Murphy does not disclose DSVD modem. However, Oran discloses DSVD modem (see Fig. 3, element 18, col. 3, lines 18-20). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine DSVD modem teaching by Oran with Murphy. The motivation for doing so would have been to provide to simultaneously transfer voice and data at the same time over a common communication channel read on col. 1, lines 14-16. Therefore, it would have been obvious to combine Oran and Murphy to obtain the invention as specified in the claims 2 and 3.

Regarding claim 8, Murphy does not disclose means for multiplexing additional data with voice data bits prior to transmitting. However, Oran discloses the means for multiplexing

Art Unit: 2661

data with voice data bits prior to transmitting (see Fig. 3, col. 3, lines 59-61). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the multiplexing voice and data teaching by Oran with Murphy. The motivation for doing so would have been to provide to simultaneously transfer voice and data. Therefore, it would have been obvious to combine Oran and Murphy to obtain the invention as specified in the claim 8.

5. Claims 4, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,282,192 (hereinafter referred as “Murphy”) in view of US Patent 6,850,577 (hereinafter referred as “Li”).

Regarding claims 4, 5, and amended claims 6, 10, Murphy does not disclose the bandwidth of sound is within a range of 200 Hertz (Hz) to 5 Hz and the encoder encodes at a rate of at least 16 Kbps. Li discloses sound bandwidth is within a range of 200 Hz – 5 Hz (see Fig. 29, col. 67, lines 50-52) and the encoder encodes at a rate of at least 16 Kbps (see Fig. 4, col. 8, lines 24-48). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the sound bandwidth within a range of 200Hz-5Hz and the coding rate of 16Kbps teaching by Li with Murphy. The motivation for doing so would have been to provide to improve the communication. Therefore, it would have been obvious to combine Li and Murphy to obtain the invention as specified in the claims 4, 5, 6, and 10.

6. Claims 26, 27, 36, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,512,764 (hereinafter referred as “Carew”) in view of US Patent 6,850,577 (hereinafter referred as “Li”).

Regarding claim 26, Carew discloses a device comprising:

(a) means for establishing a circuit switched connection with a voice gateway coupled in

Art Unit: 2661

a network which is adapted to transmit network packets that meet a minimum protocol (see Fig. 1, col. 3, lines 28-36);

(b) means for receiving voice signals from an analog wideband telephone see Fig. 2, element 70, col. 4, lines 27-30). Wherein element 70 interfaces to receive voice signals;

(c) means for digitizing the received voice signals (see Fig. 2, element 74, col. 4, lines 30-34). Wherein element 74 converts the received analog voice into digital voice format;

(d) means for encoding the digital voice signals as voice data bit at a rate of at least 16 kbps (see Fig. 2, element 80, col. 4, lines 35-39). Wherein element 80 encodes and compresses the digital voice signals;

(e) means for packetizing groups of the voice data bits into intermediate packets which do not meet the minimum protocol (see Fig. 2, element 84, col. 4, lines 39-42);

(f) means for transmitting the intermediate packets through the circuit switched connection (see Fig. 2, element 88, col. 4, lines 44-52).

Carew does not disclose voice encoding in a range of 200Hz-5KHz and the bit rate of 16 Kbps. However, Li discloses voice encoding in the range of 200Hz-5KHz (see Fig. 29, col. 67, lines 50-52) and the bit rate of 16Kbps (see Fig. 4, col. 8, lines 24-48). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the voice encoding within a range of 200Hz-5Hz and the bit rate of 16Kbps teaching by Li with Carew. The motivation for doing so would have been to provide to improve the communication. Therefore, it would have been obvious to combine Li and Carew to obtain the invention as specified in the claim 26.

Regarding claim 27, Carew discloses the subject matter as describe in claim 26.

Art Unit: 2661

Regarding amended claim 36, Carew discloses the subject matter as described in claim 26.

Regarding amended claim 37, Carew discloses the subject matter as described in claim 26.

Regarding amended claim 38, Carew discloses further comprising multiplexing additional data with the voice data bits prior to transmitting (see Fig. 2).

Regarding amended claim 39, Carew discloses the subject matter as described in claim 26.

Regarding amended claim 50, Carew discloses the subject matter as described in claim 26.

Regarding amended claim 51, Carew discloses the subject matter as described in claim 26.

Allowable Subject Matter

7. Claims 11-15, 18-25, 28-35, 41-49 are allowed.

8. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

Art Unit: 2661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: June 16, 2005



PHIRIN SAM
PRIMARY EXAMINER